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OCT 30 2006

Appl. No. 09/755,408
Atty. Docket No. 7903M
Amdt. dated October 30, 2006
Reply to Office Action of August 30, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1, 3-5, 8-14, 16, 17 and 21-34 are pending in the present application. No additional claims fee is believed to be due.

Claims 2, 6, 7, 15 and 18-20 are canceled without prejudice.

Claims 1, 3-5, 8-14, 16, 17 and 28-33 have been withdrawn as a result of an earlier restriction requirement.

Rejection Under 35 USC §103(a) Over Simmons in view of Syrek

The Office Action rejects claims 21-26 and 34 under 35 USC §103(a) as unpatentable over Simmons (US 5,622,276) in view of Syrek *US 5,392,945). Applicant respectfully traverses this rejection.

The Office action points to the liner 28 of Simmons as constituting the upstandable sidewalls and floor pan of the claimed container. The liner 28 of the reference is taught as a supple water impermeable material supported by the bottom 14 of the container. Applicant has amended claim 21 to require that the floor pan be domed. The liner of the reference is not described as domed and would not benefit from being domed as it is fully supported by element 14. Therefore, the nature of the container described in Simmons precludes a domed floor pan as claimed by Applicant. The Office Action acknowledges that Simmons fails to teach or suggest a domed floor pan and seeks to combine Simmons with Syrek to support the obviousness rejection. Applicant submits that there is no proper motivation to combine the references in support of the obviousness rejection. As provided above, that portion of the Simmons reference identified by the Office Action as corresponding to the floor plan as claimed would not benefit from being domed in the manner of Syrek. Therefore there is no motivation to combine the features of the references other than the claimed as set forth by the Applicant. The combination of references is not properly made and cannot be used to support a *prima facie* case of obviousness under 35 USC §103(a).

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Rejection Under 35 USC §103(a) Over Simmons in view of Syrek and further in view of

Spykerman

Claim 27 has been rejected under 35 USC §103(a) as being unpatentable over Simmons in view of Syrek and further in view of Spykerman (US 6,253,943). This rejection is respectfully traversed because the combination of references fails to teach or suggest each of the elements of the invention as claimed..

The Simmons / Syrek combination does not properly support a *prima* case of obviousness under 35 USC §103(a) as provided above. The addition of Spykerman does not cure this deficiency and the cited combination also fails to teach or suggest each of the limitations of the underlying independent claim and therefore cannot support a *prima facie* case of obviousness for a rejection under 35 USC §103(a) of claim 27.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC §103(a). Early and favorable action in the case is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

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